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I. INTRODUCTION

As the Commission found in its recent *Spectrum Policy Statement*, the need for new spectrum by non-Government entities has increased dramatically over the past several years.² Recently, the 216-220 MHz band, among others, was identified by the Commission and the National Telecommunications and Information Administration (“NTIA”) to be reallocated from shared Government/non-Government to exclusively non-Government use to help provide spectrum for commercial and private use. As a preliminary matter, Securicor Wireless supports the reallocation of the 216-220 MHz band from shared Government and non-Government use to exclusively non-Government use and supports the Commission’s proposal to allocate the 216-220 MHz band generally to Mobile Service (except aeronautical mobile) and Fixed Service on a primary basis.³

While the Commission has licensed various non-Government operations in the 216-220 MHz band, the licensing of the band has been at best haphazard and piecemeal, and such an approach has not been favorable to the operation of commercial service in the band.⁴ Moreover, there is a significant amount of “white-space” (*i.e.*, the spectrum that has not yet been licensed on a primary basis) that could be licensed by the Commission with the use of competitive bidding to allow the market to decide how to best allocate use of the spectrum.

² Principles for Reallocation of Spectrum to Encourage the Development of Telecommunications Technologies for the New Millennium, *Policy Statement*, 14 FCC Rcd 19,868, at ¶ 14 (1999) (“*Spectrum Policy Statement*”).

³ NPRM at ¶ 14.

⁴ As indicated in both the *Spectrum Policy Statement* and the NPRM, the 216-220 MHz band is already extensively encumbered by non-Government services. This includes both the services designated for primary use – *i.e.*, Automated Maritime Telecommunications System (“AMTS”) in the 217-218/219-220 MHz bands and the 218-219 MHz Service – and services designed for secondary operations, including Amateur Radio Service and Low Power Radio Service (“LPRS”). Actual use of the spectrum in most of these services is less than optimal. For example, although there has been extensive licensing in the 218-219 MHz Service, the service has not been

Based on these factors, Securicor Wireless advocates a new licensing framework for the 216-220 MHz band that protects the operations of the non-Government incumbent users on the band while allowing the Commission to license the “white-space” of the band by use of competitive bidding with a flexible licensing scheme. Securicor Wireless believes that such a market-based approach is consistent with the Commission’s statutory requirements of the Section 309(j) of the Communications Act of 1934, as amended, (“Communications Act”)⁵ and the Balanced Budget Act of 1997 (“BBA-97”),⁶ and will create the most efficient and effective use of the spectrum from 216-220 MHz.

II. DISCUSSION

A. General Plan for Reallocation of the 216-220 MHz Band

Securicor Wireless believes that the most efficient use of the spectrum should be determined by the market. To that end, Securicor Wireless advocates a restructured approach to the 216-220 MHz band by licensing the spectrum in a manner consistent throughout the four megahertz of spectrum. For such a restructured approach for licensing the 216-220 MHz band, the Commission need only look to the neighboring 220 MHz Service.⁷ Restructuring the licensing of the 216-220 MHz band similar to the 220 MHz Service guarantees compatibility between the neighboring bands and allows licensees in both bands to utilize the benefits of expanded spectrum availability. In addition, the Commission established the 220 MHz Service

particularly successful. Likewise, current actual operations in the maritime services is minimal compared to its licensing.

⁵ 47 U.S.C. § 309(j).

⁶ Balanced Budget Act of 1997, Pub. L. 105-33, 111 Stat. 251 (1997).

⁷ The 220 MHz Service is regulated under Subparts T and W of Part 90 of the Commission’s rules. See 47 C.F.R. §§ 90.701-90.771, 90.1001-90.1025.

for the development of spectrally-efficient narrowband technology.⁸ Securicor Wireless believes that the 220 MHz Service has been successful in implementation of that goal and, therefore, can serve as a model to the spectrum reallocated from Government use.

Furthermore, as the Commission acknowledged in the NPRM, the Commission has a statutory obligation under BBA-97 to assign future licenses in the 216-220 MHz through competitive bidding consistent with Section 309(j) of the Communications Act.⁹ To that end, the Commission should auction the “white-space” and license it as Phase II of the 216-220 MHz band, similar to the process in the 220 MHz Service. In many cases, the incumbents themselves may decide to expand their operations and choose to bid for the Phase II licenses. In a situation where the incumbent would not want to bid on the Phase II license, the Phase II licensee would be required to protect the incumbent operations, as discussed further in Section II.C. *infra*, or work with the incumbent in relocating its facilities to a different frequency band.

B. Licensing and Service Rules for Phase II Licenses in the 216-220 MHz Band

As the Commission stated in the NPRM, the instant proceeding is not the appropriate avenue to address specific services rules for the spectrum. The Commission currently has an open proceeding to address a new licensing scheme for AMTS in the 217-218/219-220 MHz bands,¹⁰ and Securicor Wireless is filing comments in that proceeding concurrently with these Comments. Given that the licensing of the 216-220 MHz band has been piecemeal, Securicor Wireless suggests that the Commission initiate a proceeding specifically addressing licensing

⁸ See Amendment of Part 2 of the Commission’s Rules Regarding the Allocation of the 216-225 MHz Band, GEN Docket No. 87-14, *Report and Order*, 3 FCC Rcd 5287 (1988).

⁹ See NPRM at ¶ 15.

and service rules for the entire four megahertz of spectrum from 216-220 MHz. In the meantime, the Commission did suggest in the instant proceeding that interested parties may offer proposals for certain service rules to evaluate the potential viability of new services in the band, and, therefore, Securicor Wireless makes the following general proposals for licensing the 216-220 MHz band.

As a general framework for licensing the “white-space” in the 216-220 MHz band, Securicor Wireless advocates that the Commission strongly consider creating a similar band plan to the 220 MHz Service, due to in part to its proximity to the 216-220 MHz band, but also due to its commercial success. Although the Commission has licensed various types of operations in the 216-220 MHz, the Commission should attempt to “level the playing field” by creating similar regulatory parameters between neighboring frequency bands. If the licensing and service rules are the same, or at least similar, then the market, and not government regulation, will best allocate the most efficient and effective use of the spectrum.

Moreover, the 220 MHz Service can serve as an appropriate model for restructuring the 216-220 MHz band. Currently, the Commission’s rules permit land mobile operations in most of the 216-220 MHz band, and Securicor Wireless believes that the principle use of the spectrum will ultimately be for mobile operations. The 220 MHz Service was created by the Commission with land mobile operation primarily in mind. In addition, as noted above, the Commission dedicated the 220-222 MHz spectrum for the development of spectrally-efficient narrowband technology to afford this technology an opportunity to gain acceptance in the marketplace. Expansion of this spectrally-efficient technology to the 216-220 MHz band will allow greater use of the limited amount of unencumbered spectrum in the band.

¹⁰ See Amendment of the Commission’s Rules Concerning Maritime Communications, PR Docket 92-257, *Fourth Report and Order and Third Notice of Proposed Rule Making*, 15 FCC Rcd 22,585 (2000).

Based on a licensing approach adopted in the 220 MHz Service, Securicor Wireless proposes that the Commission license Phase II of the 216-220 MHz by use of competitive bidding and using geographic-area licensing. For example, similar to Phase II of the 220 MHz Service, the Commission should license Phase II of the 216-220 MHz band using Economic Areas, Regional Economic Area Groups, and nationwide licenses, while maintaining protection to those currently incumbent on the spectrum (*i.e.*, “Phase I licensees”). In addition, in order to allow compatibility between the 216-220 MHz band and 220 MHz Service and increase the value of available spectrum, the Commission should establish 5 kHz channels as the standard, but also allow aggregation, partitioning, disaggregation and spectrum leasing to provide licensees a certain degree of flexibility for their operations. Not only would such a framework allow compatibility between the neighboring bands, but would also allow 216-220 MHz licensees immediate access to viable equipment.

C. Protection of Incumbents in the 216-220 MHz Band

In general, Securicor Wireless believes that the incumbent operations in the 216-220 MHz can be adequately protected, or where possible, relocated to different frequencies. In the first instance, the operations currently authorized as primary use in the 216-220 MHz band, including the 218-219 MHz Service and AMTS, are already protected or will be protected under existing or proposed Commission rules and policies regarding interference protection. Securicor Wireless believes those operations may continue to be adequately protected by continued enforcement of those rules and regulations.

At the same time, the rights of the incumbents should be maintained as they were licensed and should not be expanded. As in other wireless services (*e.g.*, the 220 MHz and 800

MHz SMR), incumbents will be able to acquire the Phase II license at auction if they wish to expand their operations. In addition, Securicor Wireless advocates that incumbent licensees continue to be authorized to operate under the terms of their current station licenses. For example, AMTS licensees are required to service waterways. Because these restrictions were placed on the original authorizations, there is no reason to eliminate the restrictions. There is no reason, however, to place such restrictions onto the Phase II licensees.

Furthermore, Securicor Wireless believes that, similar to many other wireless services, if an incumbent licensee in the 216-220 MHz band loses its authorization, the spectrum should revert to the overlay Phase II licensee. Such a policy has been successful in several other bands (*e.g.*, 220 and 800 MHz) in ensuring that the spectrum is put to the most efficient and effective use.

D. TV Channel 13 Protection

With any reallocation of the 216-220 MHz band, consideration must be given to television Channel 13, which operates on frequencies 210-216 MHz (“TV Channel 13”). In the past, the Commission had limited use in the adjacent band, particularly 216-217 MHz, to low power applications, such as Low Power Radio Service (“LPRS”) and telemetry on a secondary basis.

In order to address this concern, Securicor Wireless agrees with the Commission’s proposal that Commission should license the 216-218 MHz segment for base station transmit of mobile operations and the 218-220 MHz segment for mobile station transmit.¹¹ Such an approach will minimize the potential interference to TV Channel 13. Operations on both TV

¹¹ See NPRM at ¶ 14.

Channel 13 and in the 216-220 MHz band can be adequately protected by certain basic interference protection criteria, that can be more fully developed in a future proceeding that would establish Phase II of the 216-220 MHz band. Moreover, potential bidders for Phase II licenses in the 216-220 MHz band will have to take interference protection of TV Channel 13 into consideration when developing their potential uses for the band.

E. Removal/Relocation of All Government Operations in 216-220 MHz Band

Government operations in the 216-220 MHz band include the Armed Forces, the U.S. Geological Survey, and the Departments of Energy, Justice, the Treasury, and the Interior. Some of these operations, particularly those to the Armed Forces, are protected indefinitely from non-Government operations. Consistent with the requirements of BBA-97 and the Communications Act in general, Securicor Wireless strongly advocates that, where possible, all Government operations be removed from the band and relocated, as necessary, to other frequencies. As the Commission and specifically the Wireless Telecommunications Bureau, is aware, the need for commercial and private spectrum has increased dramatically in recent years. It is, therefore, vital that spectrum be reallocated from Government use to commercial and private non-Government use and that the spectrum be unencumbered as much as possible to allow for commercial success.

With regards to the specific procedures for relocation and any reimbursement for relocation, Securicor Wireless notes that NTIA has initiated a proceeding to establish rules governing reimbursement to Federal entities by the private sector as a result of reallocation of spectrum. Securicor Wireless intends to file comments with NTIA on its proposed rules, and pursuant to the Commission's suggestion,¹² will submit a copy of those comments in this docket.

¹² See FCC Encourages Comment on NTIA Proposed Reimbursement Rules, *Public Notice*, DA 01-172 (rel. Jan. 24, 2001).

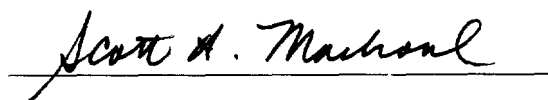
Finally, to the extent that Government operations cannot be relocated, Securicor Wireless believes that non-Government users, particularly the Phase II licensees, can work with the Commission and NTIA to successfully provide protection to all operations involved.

III. CONCLUSION

For the forgoing reasons, Securicor Wireless supports the Commission's reallocation of the spectrum in the 216-220 MHz band and proposes that the Commission initiate a new proceeding to license the "white-space" spectrum as Phase II of the band through the use of competitive bidding. Such a market-based approach is consistent with other wireless services, satisfies the Commission's statutory obligations to provide more spectrum and license it through competitive bidding, and most notably, makes the most efficient and effective use of the spectrum.

Respectfully submitted,

SECURICOR WIRELESS HOLDINGS, INC.

A handwritten signature in black ink, reading "Scott A. Mackoul", is written over a horizontal line.

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